

Attorney's Docket No. 047138/258832

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/991,883
Applicant(s): Glenn Bingham, et al.
Filed: November 26, 2001
Art Unit: 3629
Examiner: Traci L. Smith
Title: MEETING SITE SELECTION BASED
ON ALL-INCLUSIVE MEETING COST

Confirmation No.: 4179

Docket No.: 047138/258832
Customer No.: 00826

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION – 37 C.F.R. § 41.37)**

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on November 8, 2005.
2. ☐ Applicant claims small entity status.
3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:
☐ small entity \$250.00
☒ other than small entity \$500.00

Appeal Brief fee due \$500.00

☒ Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,

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In re: Glenn Bingham, et al.

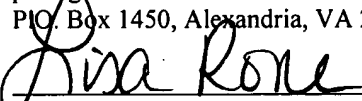
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CERTIFICATE OF MAILING

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Lisa Rone



PATENT

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APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed November 8, 2005, and the Notice of Panel Decision from Pre-Appeal Brief Review mailed December 20, 2005.

1. ***Real Party in Interest.***

The real party in interest in this appeal is GetThere Inc., the assignee of the above-referenced patent application.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

3. ***Status of Claims.***

The present appeal involves Claims 21-38, which are presently under a final rejection as set forth by the Official Action mailed June 16, 2005. A pre-appeal request was submitted on

November 8, 2005, but the decision of the panel of Examiners found that Claims 21-38 stand rejected because one or more issues are ripe for appeal. The claims at issue are set forth in the attached Claims Appendix.

4. ***Status of Amendments.***

Amendments were made subsequent to the final Official Action in an Amendment submitted September 9, 2005 and were entered as indicated in the Advisory Action mailed October 7, 2005.

5. ***Summary of Claimed Subject Matter.***

Embodiments of the present invention provide a method, a computer-readable medium, and a system for selecting a facility for hosting a meeting, as well as evaluating a plurality of potential meeting facilities. In general, the present invention facilitates the evaluation of potential meeting facilities and generation of an all-inclusive cost for each facility to hold a meeting or conference. The all-inclusive cost calculation takes a number of factors into consideration, such as costs associated with travel and lodging, as will be explained in further detail below.

A system, according to one embodiment of the present invention, includes a meeting planner that interacts with a meeting planner user agent processor as an interface between the meeting planner and an application server (p. 8, lines 16-20; Fig. 2). A meeting facility user agent processor acts as an interface between the meeting facility and the application server (p. 9, lines 4-5; Fig. 3). The meeting facility is capable of entering facility specific information, such as rates, amenities, location, contact information, and meeting room sizes and capabilities, via a user input section, which is then stored in a database management server ("DBMS") (p. 9, lines 9-12). The DBMS stores data tables that are used to calculate the all-inclusive cost and store other information relating to each facility and the meeting planner (p. 12, lines 3-6). A network (e.g., the Internet) enables the meeting planner user agent, meeting facility user agent, and application server to communicate with one another (p. 8, lines 6-9).

The application server performs as a central controller that processes requests from the meeting planner user agent, generates associated requests to the DBMS, calculates an all-inclusive cost calculation using the information provided by the DBMS, and returns the results to the meeting planner user agent (p. 10, lines 4-10). In particular, the application server includes a search object that performs the all-inclusive cost calculation, which is based on hotel selection criteria provided by the meeting planner user agent and data provided by the DBMS (p. 11, lines 1-6).

Figures 7-10 and the accompanying specification of the present application provide a more detailed discussion of methods for implementing the aforementioned system according to one embodiment of the present invention. In this regard, Figure 7 demonstrates that a meeting planner first defines a meeting, such as by defining the purpose of the meeting, meeting objectives, the meeting audience, attendee origin information, number of attendees, and the preferred meeting dates (p. 13, lines 12-14; p. 15, lines 15-19). In addition, the meeting planner typically inputs a list of minimum site requirements (i.e., amenities), such as hotel quality level, and meeting room and guestroom capacities (p. 13, lines 14-17). The meeting definition and the minimum site requirements are entered via the meeting planner user agent to request a list of facilities and associated all-inclusive costs satisfying the minimum site requirements (p. 13, lines 17-20). The all-inclusive cost includes costs associated with the costs of transportation to the origin airport, airfare or driving to the destination city, location transportation within the destination city, lodging, meeting room rental, meals/food, incidentals, and other miscellaneous items (p. 17, lines 14-16). The meeting planner may modify specific amenities and/or choose a geographic location to determine which amenities provide the most economical meeting value (p. 14, lines 5-6 and 11-13). After choosing desired amenities and a geographic location, the meeting planner may then choose a specific meeting facility (p. 14, line 20).

Figures 11-14 illustrate a user interface presented to a meeting planner via the meeting planner user agent according to one exemplary embodiment of the present invention (p. 18, lines 20-21). For instance, Figure 11 demonstrates that a meeting planner may select a list of attendees and their corresponding origin locations by selecting locations on an interactive map (p. 19, lines 8-12). Moreover, the meeting planner then selects preferred meeting dates (Figure

12), and Figure 13 shows a list of hotels that are ranked from lowest to highest cost based on respective all-inclusive cost calculations. The meeting planner may then modify amenities via a pop up window, and the application server filters the list of hotels to determine only those hotels including the selected amenities (p. 20, lines 3-6; Figure 14). The all-inclusive costs may also be optimized to find the total lowest meeting cost (p. 20, line 19). For example, the present invention may determine if it would be more economical for attendees to fly or drive to the meeting location and check for the lowest costs across airlines and airport pairs (p. 20, line 19 – p. 21, line 1), as well as search for dates that offer lower airfare, guestroom rates, or meeting room rental (p. 21, lines 13-15).

Providing the meeting planner with an all-inclusive cost enables the meeting planner to better understand the relationship between price, amenities, and location. For example, the meeting planner is capable of choosing amenities and geographic locations that generate the most desirable all-inclusive cost calculation. As a result, meeting planners may readily compare all-inclusive cost calculations before making decisions regarding non-required amenities and locations.

6. ***Grounds of Rejection to be Reviewed on Appeal.***

- (i) Claims 21-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Business Travel News, entitled “Megas at a Crossroads”; and
- (ii) Claims 27-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Megas in view of articles relating to Eventsource (retrieved from the wayback machine on June 7, 2005 for any linkage of January 31, 1998).

7. ***Argument.***

- (i) Rejection of Claims 21-26 under 35 U.S.C. § 102(b) as being anticipated by Business Travel News, entitled “Megas at a Crossroads”

Megas states, in the context of prospective business plans for American Express, that “the agency has developed a PC-based product that optimizes site selection by looking at attendees’ points of origin, the land arrangements and the meal costs, and then producing a list of options

for meeting sites ranked by cost” (Megas, page 2). In addition, in an unrelated portion of the article regarding the combination of travel bookings with expense reporting, Megas discloses that “[o]ur vision is to allow people to get information and make reservations through e-mail, and on the back end to combine billing information and travel data and feed it back to the traveler on the same email, allowing him to create an electronic expense report” (Megas, page 2).

Independent Claims 21, 22, and 24 recite a method, system, and computer-readable medium, respectively, that include receiving a range of dates, a list of potential attendees, and an originating location, and calculating an all-inclusive cost that includes costs associated with travel and lodging for hosting a meeting at each of a plurality of meeting facilities based on specified range of dates and information associated with the list of potential attendees. Independent Claim 21, 22, and 24 further recite that the plurality of potential meeting facilities are ranked based at least in part on the calculated all-inclusive cost for each of the plurality of potential meeting facilities. The meeting facilities are selected from a set of potential meeting facilities based on a preference and/or a geographic location.

Independent Claims 23, 25, and 26 provide a method, computer-readable medium, and computer system, respectively, that include defining minimum requirements for a select meeting facility and receiving a ranked list of meeting facilities that are ranked based on an all-inclusive cost-calculation including at least costs associated with travel and lodging. The meeting facilities included in the ranked list are selected from a set of potential meeting facilities based on a preference and/or a geographic location.

The all-inclusive cost includes, at least, travel and lodging costs (see specification, page 3, lines 7-9). By calculating the all-inclusive cost, the planner is better able to understand the relationship between price, location, and amenities. The planner may choose which amenities he or she wants in a facility, thus making tradeoffs that provide the best meeting value. Currently, it is difficult for planners to understand the real worth of complimentary meals, or of less expensive airfare into a given city, as most planners do not consider the all-inclusive costs which they can use to evaluate the value of these benefits.

The Examiner acknowledges that Megas does not disclose receiving a range of dates but finds that it would be inherent to receive such information “in order to create a meeting plan due

to identifying the availability of a meeting site.” In the Response to Arguments set forth in the final Official Action, the Examiner finds that because Megas discloses combining billing and travel data into one email and the capability to generate a list of options for meeting sites ranked by cost, that Megas discloses sending an all-inclusive cost including costs associated with travel and lodging in a ranked order to the user. In addition, the Examiner finds that “points of origin” could be considered a preference or a geographic location, with respect to independent Claims 21-26. The Examiner further finds that defining minimum requirements recited in Claims 23, 25, and 26 could be inputting the attendees’ points of origin as a minimum requirement.

In contrast to independent Claims 21, 22, and 24, Megas does not teach or suggest calculating an all-inclusive cost, including at least costs associated with travel and lodging, for hosting a meeting at each of a plurality of potential meeting facilities. Moreover, Megas does not teach or suggest receiving a ranked list of meeting facilities, where each facility is ranked based on an all-inclusive cost calculation corresponding to an estimated total cost of holding the meeting at the meeting facility, and where the all-inclusive cost includes at least costs associated with travel and lodging, as recited by independent Claims 23, 25, and 26. Megas discloses using meal costs, as well as attendees’ points of origin and land arrangements to rank meeting sites. Thus, Megas nowhere teaches or suggests using an all-inclusive cost that includes at least lodging and travel costs to rank each meeting site. As recited in the independent claims, the all-inclusive cost calculation corresponds to an estimated total cost of holding a meeting at a meeting facility. At most, Megas teaches using meal costs, which is unlike the claimed invention that calculates an all-inclusive cost corresponding to an estimated total cost of holding the meeting at the meeting facility.

Although Megas discloses using attendees’ points of origin to optimize meeting site selection, Megas does not specify that travel costs associated with the attendees’ points of origin are taken into consideration as opposed to merely determining the relative convenience or inconvenience of travel from the various points of origin. Furthermore, Megas discloses that land arrangements are considered when ranking the meeting sites, but again, Megas does not teach or suggest if and how the land arrangements are taken into consideration with respect to cost.

The portion of Megas relied upon by the Examiner that discloses the combination of booking travel reservations with expense reporting is unrelated to the meeting planning portion of Megas. Megas simply discloses that American Express was developing software that would allow users to receive travel data and billing information via email for expense reporting purposes, which was unrelated to the software being developed for optimizing meeting site selection. In fact, Megas also discloses teleconferencing and management reporting initiatives between the discussion of billing information/expense reporting and meeting planning. Thus, the portion of Megas that discloses billing information/expense reporting is not considered in ranking the meeting sites by cost. Even if both portions of Megas were considered to be related (an assumption with which the Applicants do not agree), Megas does not teach or suggest calculating an all-inclusive cost that includes lodging costs, as Megas only discloses meal costs for ranking meeting sites by cost with any other costs that are included in the billing information and/or travel data being “on the back end” and not part of the planning process with no all-inclusive cost even being disclosed to be tabulated.

Furthermore, Applicants submit that Megas does not teach or suggest receiving a range of dates, as recited in independent Claims 21, 22, and 24. Although the Examiner contends that the receipt of a range of dates is inherent, under MPEP § 2112, there must be a showing that the allegedly inherent disclosure “is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities.” This is not such a case, as Megas nowhere discloses receiving a date range and such a date range is not “necessarily present” in Megas as the meeting could certainly occur one or more specific days, as opposed to a range of dates as claimed.

Therefore Megas does not teach or suggest receiving a range of dates and calculating an all-inclusive cost that includes at least costs associated with travel and lodging, as recited by independent Claims 21, 22, and 24, and/or receiving a ranked list of meeting facilities based on an all-inclusive cost-calculation that includes at least costs associated with travel and lodging, as recited by independent Claims 23, 25, and 26. As such, the rejection of independent Claims 21-26 and those claims that depend therefrom under 35 U.S.C. § 102(b) is overcome.

(ii) Rejection of Claims 27-38 under 35 U.S.C. § 103(a) as being unpatentable over Megas in view of articles relating to Eventsource (retrieved from the wayback machine on June 7, 2005 for any linkage of January 31, 1998)

Dependent Claims 27-29 and 33-38 further define independent Claims 21, 22, and 24. In this regard, dependent Claims 27-29 recite that the all-inclusive cost further includes at least one of total meal cost and meeting space cost. Dependent Claims 33-38 recite that calculating the all-inclusive cost includes calculating optimized costs and summing the calculated optimized costs, which could include calculating the lowest costs for transportation, alternative dates, and/or travel.

The Examiner relies on the combination of Megas with Eventsource to disclose dependent Claims 27-29 and 33-38. Eventsource discloses a resource for event and meeting planning. More specifically, Eventsource includes a Book It! feature that provides planners with the ability to find and book a location for an event. Moreover, Eventsource discloses the capability to check hotel availability and compare rates, as well as specify various requirements such as the number of rooms, amenities, meeting space, and food and beverage requests in a request for proposal (RFP).

As to Claims 27-29, the final Official Action notes that “Megas fails to explicitly teach meeting space cost” and turns to Eventsource for its supposed disclosure of meeting space cost as a component of an all-inclusive meeting cost. However, Applicants respectfully submit that Eventsource does not disclose including meeting space cost in an all-inclusive cost, as recited by Claims 27-29. Rather, Eventsource simply allows planners to input an RFP to hotels and facilities that includes meeting space requirements, such as number of rooms, number of people, room size, and room setup. There is no indication that Eventsource provides the cost for specific meeting space requirements. In contrast, Eventsource discloses that planners may submit an RFP that includes a meeting budget and desired sleeping room rate with no indication that the planner will receive an all-inclusive cost based on each of the requirements specified by the planner in the RFP. Instead, the meeting space requirements submitted with the RFP seem intended to insure that the facility is sufficiently large, but does not teach or suggest factoring in any type of meeting space cost into an all-inclusive cost. Thus, even if Megas and Eventsource

were combined, the combination would fail to teach or suggest dependent Claims 27-29 since each reference fails to teach or suggest determining an all-inclusive cost that includes meeting space cost.

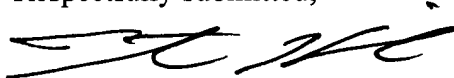
As to dependent Claims 33-38, the final Official Action also recognizes that “Megas fails to teach ‘optimized’ costs” and cites Eventsourcing for its alleged disclosure of this feature. However, Eventsourcing also does not teach or suggest calculating optimized costs and summing the calculated optimized costs, as recited by dependent Claims 33, 35, and 37, or calculating optimized costs that include the lowest costs for transportation, alternative dates, and travel, as recited by dependent Claims 34, 36, and 38. The Examiner contends that these particular recitations are disclosed by Eventsourcing because planners are capable of entering alternative event dates in addition to specific event dates. However, Eventsourcing does not disclose that an all-inclusive cost is provided in response to the submission of an RFP. Therefore, it follows that Eventsourcing also does not disclose calculating an all-inclusive cost that includes calculating and summarizing optimized costs, such as the lowest costs for transportation, alternative dates, and travel. Moreover, the mere consideration of alternative event dates does not necessarily imply that costs are being optimized since alternative dates could be considered for a myriad of other reasons including the avoidance of scheduling conflicts, an attempt to coincide with another event, or the like. Thus, the combination of Megas and Eventsourcing would also fail to teach or suggest dependent Claims 33-38 since each reference fails to teach or suggest calculating optimized costs and summing the calculated optimized costs, and/or calculating optimized costs that include the lowest costs for transportation, alternative dates, and travel.

As dependent Claims 27-38 depend from a respective independent claim, each dependent claim is distinguishable from any combination of the cited references for the reasons described above in conjunction with the independent claims since Eventsourcing also fails to teach or suggest those recitations of the independent claims that are lacking in Megas. Additionally, Applicants submit that dependent Claims 27-29 and 33-38 are further distinguishable over the cited references, taken individually or in combination, for at least those additional reasons discussed above.

CONCLUSION

For the above reasons, it is submitted that the rejections of Claims 21-38 are erroneous and reversal of the rejections is respectfully requested. A Claims Appendix containing a copy of claims involved in the appeal, an Evidence Appendix, and a Related Proceedings Appendix are attached.

Respectfully submitted,



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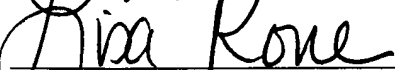
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Claims Appendix.

Claims 1 – 20 (Canceled).

21. (Previously Presented) A computer implemented method of selecting a facility for hosting a meeting, the method comprising:

receiving a range of dates, a list of potential attendees, and an originating location for each of the attendees;

calculating an all-inclusive cost, including at least costs associated with travel and lodging, for hosting the meeting at each of a plurality of potential meeting facilities based on specified range of dates and information associated with the specified list of potential attendees; and

ranking the plurality of potential meeting facilities based at least in part on the calculated all-inclusive cost for each of the plurality of potential meeting facilities,

wherein the plurality of meeting facilities are selected from a set of potential meeting facilities based on at least one of preference and a geographic location.

22. (Previously Presented) A computer system comprising:

a processor;

a network connection; and

a memory,

the memory including instructions that when executed by the processor perform selection of a facility for hosting a meeting by (1) receiving a range of dates, a list of potential attendees, and an originating location for each of the attendees, (2) calculating an all-inclusive cost, including at least costs associated with travel and lodging, for hosting the meeting at each of a plurality of potential meeting facilities based on specified range of dates and information associated with the specified list of potential attendees, and (3) ranking the plurality of potential meeting facilities based at least in part on the calculated all-inclusive cost for each of the plurality of potential meeting facilities, wherein the plurality of meeting facilities are selected

from a set of potential meeting facilities based on at least one of preference and a geographic location.

23. (Previously Presented) A method of evaluating a plurality of potential meeting facilities, the method comprising:

- defining minimum requirements for a select meeting facility;
- transmitting the minimum requirements to an application server; and
- receiving a ranked list of meeting facilities, each facility being ranked based on all-inclusive cost-calculation corresponding to an estimated total cost of holding the meeting at the meeting facility, the all-inclusive cost-calculation including at least costs associated with travel and lodging,

- wherein the meeting facilities included in the ranked list are selected from a set of potential meeting facilities based on at least one of a preference and a geographic location.

24. (Previously Presented) A computer readable medium containing instructions that when executed by a processor causes the processor to perform selection of a facility for hosting a meeting by:

- receiving a range of dates, a list of potential attendees, and an originating location for each of the attendees;

- calculating an all-inclusive cost, including at least costs associated with travel and lodging, for hosting the meeting at each of a plurality of potential meeting facilities based on specified range of dates and information associated with the specified list of potential attendees;
- and

- ranking the plurality of potential meeting facilities based at least in part on the calculated all-inclusive cost for each of the plurality of potential meeting facilities,

- wherein the plurality of meeting facilities are selected from a set of potential meeting facilities based on at least one of preference and a geographic location.

25. (Previously Presented) A computer readable medium containing instructions that when executed by a processor causes the processor to evaluate a plurality of potential meeting facilities by:

- receiving minimum requirements for a select meeting facility;
- transmitting the minimum requirements to an application server; and
- receiving a ranked list of meeting facilities, each facility being ranked based on all-inclusive cost-calculation corresponding to an estimated total cost of holding the meeting at the meeting facility, the all-inclusive cost-calculation including at least costs associated with travel and lodging,

wherein the meeting facilities included in the ranked list are selected from a set of potential meeting facilities based on at least one of a preference and a geographic location.

26. (Previously Presented) A computer system comprising:

- a processor;
- a network connection; and
- a memory, the memory including instructions that when executed by the processor evaluate a plurality of potential meeting facilities by:
 - receiving minimum requirements for a select meeting facility;
 - transmitting the minimum requirements to an application server; and
 - receiving a ranked list of meeting facilities, each facility being ranked based on all-inclusive cost-calculation corresponding to an estimated total cost of holding the meeting at the meeting facility, the all-inclusive cost-calculation including at least costs associated with travel and lodging,

wherein the meeting facilities included in the ranked list are selected from a set of potential meeting facilities based on at least one of a preference and a geographic location.

27. (Previously Presented) The method according to Claim 21, wherein the all-inclusive meeting cost further comprises at least one of total meal cost and meeting space cost.

28. (Previously Presented) The system according to Claim 22, wherein the all-inclusive meeting cost further comprises at least one of total meal cost and meeting space cost.

29. (Previously Presented) The computer readable medium according to Claim 24, wherein the all-inclusive meeting cost further comprises at least one of total meal cost and meeting space cost.

30. (Previously Presented) The method according to Claim 23, wherein the minimum requirements comprise amenities of the meeting facilities.

31. (Previously Presented) The computer readable medium according to Claim 25, wherein the minimum requirements comprise amenities of the meeting facilities.

32. (Previously Presented) The system according to Claim 26, wherein the minimum requirements comprise amenities of the meeting facilities.

33. (Previously Presented) The method according to Claim 21, wherein calculating the all-inclusive cost comprises calculating optimized costs and summing the calculated optimized costs.

34. (Previously Presented) The method according to Claim 33, wherein calculating the optimized costs comprises calculating at least one of lowest costs for transportation, alternative dates, and travel.

35. (Previously Presented) The system according to Claim 22, wherein calculating the all-inclusive cost comprises calculating optimized costs and summing the calculated optimized costs.

36. (Previously Presented) The system according to Claim 35, wherein calculating the optimized costs comprises calculating at least one of lowest costs for transportation, alternative dates, and travel.

37. (Previously Presented) The computer readable medium according to Claim 24, wherein the instructions for calculating the all-inclusive cost comprises instructions for calculating optimized costs and summing the calculated optimized costs.

38. (Previously Presented) The computer readable medium according to Claim 37, wherein the instructions for calculating the optimized costs comprises instructions for calculating at least one of lowest costs for transportation, alternative dates, and travel.

Evidence Appendix.

No additional evidence is provided.

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Related Proceedings Appendix.

There are no related proceedings.